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R E M A R K S

Reconsideration of the present application in view of the amendments and following remarks is respectfully requested. Claims 1, 7 and 13 have been amended. Eighteen claims are pending in the application: Claims 1 through 18.

Interview Summary in accordance with 37 C.F.R. 1.133(b)

In the interview with Primary Examiner Zarni on July 28, 2003, the following topics were discussed:

- 1) The differences between claims 1, 7 and 13 and the *Hazenfield* reference; and
- 2) Amendments to the claims as made herein, for clarification of the invention.

The differences between the invention and the *Hazenfield* reference, as agreed upon, are more fully detailed in the remarks pertaining to the rejection of the claims. No exhibits were presented to the Examiner.

35 U.S.C. § 103

4. Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,161,132 (*Roberts et al.*) in view of U.S. Patent No. 5,991,374 (*Hazenfield*).

Independent claims 1, 7 and 13, have been amended in order to clarify the claim language. Claims 1, 7 and 13 now recite "storing information on the host computer for allowing a simultaneous playback of the same event from the memory on each of the client apparatus." Additionally, claims 1, 7 and 13 now recite "playback of said event and said downloaded information after the simultaneous playback."

Applicants have amended the claims to clarify that:

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1) information is stored on the host computer for allowing the same event to be simultaneously played back on each of the client apparatuses; and

2) playback after the simultaneous playback includes a playback of said event and said downloaded information.

Roberts et al. disclose a system for playing a CD on multiple clients at the same time. Additionally, users can enter a chat room and talk about the CD while one of the tracks is playing. However, *Roberts et al.* do not disclose, nor provide any motivation for later playing back the CD including, for example, any chat that took place during the earlier playback. Additionally, *Roberts et al.* do not disclose saving the chat that took place on the server.

Hazenfield discloses a system for the playback of messages on a message on hold (MOH) telephone system. A MOH system is a system where messages are played over a phone line to a person who is waiting to for assistance. The system disclosed allows a subscriber the ability to control which track or tracks of multiple CDs will play at multiple remote locations while a caller is on-hold depending upon certain conditions, such as for example, interest rates, time of year, and current sales.

The Examiner asserts that *Hazenfield* teaches a system where information is stored on a server and transmitted to remote sites allowing the CDs to simultaneously playback certain tracks as dictated by the information transmitted from the server. As stated in the previous response Applicants traverse the assertion that this is simultaneous playback. Furthermore, while *Hazenfield* teaches a system where the CDs can be programmed to play certain tracks depending upon the desired playback, *Hazenfield* does not teach that the same event is simultaneously played back at all of the remote sites. Each of the remote sites can have different content on their respective CD as each remote site will have a different message they would like played to a person on hold. In

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contrast Applicants are claiming a system that stores information on the host computer for simultaneous playback of the same event on each of the client apparatuses. Each of the client apparatuses will experience the same event as each of the other client apparatuses in accordance with the present invention, whereas, in *Hazenfield* each of the remote sites can have different information being played back to a person on hold.

Furthermore, the Examiner asserts that *Hazenfield* shows "playback after the simultaneous playback." While Applicants traverse this assertion, Applicants have amended element (c) of claims 1, 7 and 13 to clarify that the playback is "playback of said event and said downloaded information after the simultaneous playback." *Hazenfield* shows the playback of a CD at a remote location. The information downloaded to the remote sites is not included in the playback but is simply data relating to what track of the CD will be played back and when it will be played. In contrast, Applicants playback includes playback of both the event and the downloaded information.

Therefore, the combination of *Roberts et al.* and *Hazenfield* does not make out a prima facie case of obviousness as neither *Roberts et al.* nor *Hazenfield* show elements claimed by Applicants. Furthermore, there is provided no motivation to modify *Roberts et al.* to include "playback of said event and said downloaded information after the simultaneous playback," such as is claimed by Applicants.

Thus, for all of the reasons stated above the rejection is overcome and amended claims 1, 7, and 13 are in condition for allowance.

Claims 2-6, 8-12, and 14-18 are in condition for allowance at least because of their dependency upon allowable independent claims 1, 7 and 13. Thus, the rejection of claims 1-18 is overcome and the claims are in condition for allowance.

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CONCLUSION

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebans at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,



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